

## HOUSE BILL NO. 354

INTRODUCED BY B. LAWSON

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE COMPOSITION OF THE DEVELOPMENTAL DISABILITIES PLANNING AND ADVISORY COUNCIL; AMENDING SECTION 2-15-2204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 2-15-2204, MCA, is amended to read:

**"2-15-2204. Developmental disabilities planning and advisory council.** (1) The governor shall appoint a developmental disabilities planning and advisory council in accordance with ~~the provisions of this section~~ the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402.

(2) The council is composed of ~~at least 23 but no more than 25~~ 29 members and ~~consists of~~ includes the following:

(a) six persons with developmental disabilities;

(b) six persons who are:

(i) parents or guardians of a child with developmental disabilities; or

(ii) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves;

(c) six persons who may be:

(i) a person with a developmental disability;

(ii) a person who is the parent or guardian of a child with a developmental disability; or

(iii) a person who is an immediate relative or guardian of an adult with mentally impairing developmental disabilities who cannot self-advocate;

~~(a)(d)~~ (d) a representative of the program of services provided under the authority of the Rehabilitation Act of 1973, 29 U.S.C. 701, et seq.;

~~(b)(e)~~ (e) a representative of the program of services provided under the authority of the Older Americans Act of 1965, 42 U.S.C. 3001, et seq.;

(f) a representative of the program of services provided under the authority of Title V of the Social

1 Security Act, 42 U.S.C. 701, et seq.;

2 ~~(e)(g)~~ a representative of the ~~program~~ programs of services for persons with developmental  
3 ~~disabilities~~ provided under the authority of Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq.;

4 ~~(d)(h)~~ a representative of the program of services provided under the authority of the Individuals  
5 With Disabilities Education Act, 20 U.S.C. 1400, et seq.;

6 ~~(e)~~ two recognized professionals, one each in the disciplines of medicine and law;

7 ~~(f)(i)~~ one member of the state senate;

8 ~~(g)(j)~~ one member of the state house of representatives;

9 ~~(h)~~ 12 persons, each of whom has a developmental disability or who is an immediate family  
10 member or guardian of a person with a developmental disability;

11 ~~(i)(k)~~ the director a representative of the university-affiliated or satellite program on developmental  
12 disabilities; created pursuant to 42 U.S.C. 6061; ~~or a designee of the director;~~

13 ~~(j)(l)~~ the director a representative of the state protection and advocacy system; created pursuant  
14 to 42 U.S.C. 6041; ~~or a designee of the director; and~~

15 ~~(k)(m)~~ a representative two representatives of a statewide developmental disabilities service  
16 provider organization whose member agencies provide direct nongovernmental in-state entities that are  
17 concerned with the provision of services to persons with developmental disabilities.

18 (3) ~~(a) Each member who serves on the council pursuant to subsection (2)(a), (2)(b), (2)(c), or~~  
19 ~~(2)(d) shall serve for a term concurrent with the respective term of the director of the agency that~~  
20 ~~administers the program that the member represents. Upon the removal of an agency director from office,~~  
21 ~~the representative's term as a member of the council is automatically terminated.~~

22 ~~—— (b) Each member who serves on the council pursuant to subsection (2)(f) or (2)(g) must be~~  
23 ~~appointed or reappointed annually by the governor.~~

24 ~~—— (c) Eight~~ Nine of the members ~~serving on~~ appointed to the council pursuant to ~~subsection (2)(e),~~  
25 ~~(2)(h), (2)(k), or (3)(d)~~ subsections (2)(a) through (2)(c) must be appointed by the governor to serve for  
26 terms concurrent with the gubernatorial term and until their successors are appointed. The remaining  
27 members serving on the council pursuant to ~~subsection (2)(e), (2)(h), (2)(k), or (3)(d)~~ subsections (2)(a)  
28 through (2)(c) must be appointed by the governor to serve for terms ending on January 1 of the third year  
29 of the succeeding gubernatorial term and until their successors are appointed.

30 (4) Members appointed to the council to fulfill representation requirements of subsections (2)(d)

1 through (2)(m) serve 1-year terms.

2 (5) At least one member appointed to the council pursuant to subsections (2)(a) through (2)(c)  
3 must be either:

4 (a) a person with a developmental disability who resides or previously resided in an institution; or

5 (b) an immediate relative or guardian of a person with a developmental disability who resides or  
6 previously resided in an institution.

7 ~~(d)(6) Representatives Members named appointed~~ to the council pursuant to ~~this section, in~~  
8 ~~addition to fulfilling the requirements listed in subsections (2)(a) through (2)(k) (2)(c);~~ may also be selected  
9 to represent the following areas: psychology, social work, special education, and minority groups, including  
10 Native Americans with developmental disabilities. A minimum of one member of the council must represent  
11 each of these areas. In the event that the persons listed in subsections (2)(a) through (2)(k) do not  
12 represent all of the areas of psychology, social work, special education, and minority groups, including  
13 Native Americans with developmental disabilities, up to two representatives may be added to the  
14 membership of the council to represent not more than two of these groups: geographical regions and the  
15 racial and ethnic composition of the state, including AMERICAN Indians.

16 ~~(4)(7)~~ The council is allocated to the department for administrative purposes only and, unless  
17 inconsistent with the provisions of 53-20-206 and this section, the provisions of 2-15-121 apply."

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19 NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send  
20 a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little  
21 Shell band of Chippewa.

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23 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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